

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JOSEPH A RODRIGUEZ,

Plaintiff,

v.

AMERICAN POSTAL WORKERS
UNION, AFL-CIO,

Defendant.

2:09-CV-506 JCM (GWF)

ORDER

Presently before the court are the findings and recommendations of Magistrate Judge George Foley, Jr. (doc. #18) regarding the dismissal of plaintiff Joseph A. Rodriguez's amended complaint (doc. #5). No opposition to the recommendation was filed.

As a result of the plaintiff's failure to respond to the order to show cause (doc. #17) and failure to demonstrate proof of service upon defendant, judge Foley recommended that the amended complaint be dismissed with prejudice (doc. #18).

On December 10, 2009, the court screened the plaintiff's amended complaint (doc. #5) and ordered that the plaintiff serve the defendant before April 9, 2010 (doc. #7). Finding that no proof of service had been filed, on May 20, 2010, the court ordered the plaintiff to show cause why the amended complaint should not be dismissed due to failure to effect service upon the defendant (doc. #11). The plaintiff requested that the court grant him additional time to effect service (doc. #12). The court granted his request, and ordered him to serve the complaint and summons before July 22, 2010 (doc. #13). When no proof of service was filed, the court ordered the plaintiff to effect proof of

1 service by March 4, 2011, and notified him that failure to do so would result in a recommendation
2 that the complaint be dismissed (doc. #15). The plaintiff failed to effect service, and on March 25,
3 2011, the court issued an order for him to show cause why the amended complaint should not be
4 dismissed (doc. #17). To date, the plaintiff has not responded to the order to show cause (doc. #17)
5 or demonstrated proof of service upon the defendant.

6 Pursuant to Local Rule IB 3-2, the parties may file specific written objections to the
7 recommendation within fourteen days of receipt. Plaintiff's opposition was due on May 6, 2011, but
8 no objections have been filed to date.

9 Upon review of the magistrate judge's recommendation (doc. #18) and there not being any
10 objections,

11 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that United States Magistrate
12 Judge George Foley, Jr.'s recommendation (doc. #18) is AFFIRMED in its entirety.

13 IT IS THEREFORE ORDERED that the plaintiff's amended complaint (doc. #5) be, and the
14 same hereby is, DISMISSED with prejudice.

15 DATED June 9, 2011.

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18 UNITED STATES DISTRICT JUDGE